

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMY VICTORIA LILLIBRIDGE,

Plaintiff,

Case No. 1:22-cv-297

v.

Hon. Hala Y. Jarbou

BRANDON JOHN HARVEY,

Defendant.

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**ORDER**

On January 18, 2023, Magistrate Judge Ray Kent issued a Report and Recommendation (R&R) recommending that the Court grant Plaintiff's motion to remand (ECF No. 12), that this action be remanded to the state court, and that this Court defer ruling on Defendant's motion to alter judgment (ECF No. 8). Judge Kent further recommended that the Court award Plaintiff costs, expenses, and attorney's fees incurred as a result of Defendant's removal. (ECF No. 20.)

On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation as to granting Plaintiff's motion to remand and deferring ruling on Defendant's motion to alter judgment. The Court further agrees that Plaintiff is entitled to costs and fees, if any, resulting from Defendant's removal. Plaintiff may file a motion in this Court, "with supporting documentation, for any actual expenses, including reasonable attorney fees, that [Plaintiff] incurred as a result of removal." *Allstate Ins. Co. v. Nowakowski*, 861 F. Supp. 2d 866, 874 (W.D. Mich. 2012); *see also Kent State Univ. Bd. of Trustees v. Lexington Ins. Co.*, 512 F. App'x 485, 493 (6th Cir. 2013) ("[A] fee applicant (whether a plaintiff or a defendant) must submit . . . appropriate documentation to meet the burden of establishing entitlement to an award." (quoting *Fox v. Vice*, 131 S. Ct. 2205, 2216 (2011) (internal quotations and citations omitted))).

Accordingly,

**IT IS ORDERED** that the R&R (ECF No. 20) is **APPROVED** and **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that Plaintiff's motion to remand (ECF No. 12) is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **REMANDED** to the state court.

**IT IS FURTHER ORDERED** that Defendant's motion to alter judgment (ECF No. 8) is **DENIED** for lack of jurisdiction over this issue. Absent jurisdiction, the Court defers to the judgment of the state court on this issue.

**IT IS FURTHER ORDERED** that Plaintiff is entitled to costs, expenses, and attorney's fees incurred as a result of Defendant's removal. Plaintiff must file a motion and documentation supporting such costs, expenses, and attorney's fees with this Court within **FOURTEEN DAYS** of the entry of this order.

**IT IS FURTHER ORDERED** that this Court will **MAINTAIN** jurisdiction over the above-captioned case for the sole purpose of granting Plaintiff costs, expenses, and attorney's fees.

Dated: February 6, 2023

/s/ Hala Y. Jarbou  
HALA Y. JARBOU  
CHIEF UNITED STATES DISTRICT JUDGE